

REMARKS

Applicants have carefully reviewed the Office Action mailed on June 8, 2010. Applicants respectfully traverse (and do not concede) all objections, rejections, adverse statements, and adverse assertions made by the Examiner. Claims 40-47, 49, and 50 are presented for examination.

Claim Rejections Under 35 U.S.C. §103

Claims 40-47, 49, and 50 are rejected under 35 U.S.C. §103(a) as being unpatentable over Letendre et al. in U.S. Patent No. 6,214,036 in view of Krivoruchko et al. in U.S. Patent Application Pub. No. US 2003/0204237. Applicants respectfully traverse the rejection.

Independent claim 40 recites (1) an inner shaft; (2) a bumper disposed on the inner shaft, the bumper having an outer diameter greater than the outer diameter of the inner shaft; and (3) wherein the bumper includes a bumper retainer, the bumper retainer having an outer diameter greater than the outer diameter of the inner shaft. This defines three structural features of the claimed invention.

Similarly, independent claim 49 recites an inner shaft, a bumper, and a bumper retainer.

Likewise, independent claim 50 recites an inner shaft, a bumper, and means for retaining the stent.

The Office Action indicated that Letendre et al. discloses an inner shaft (the reduced diameter of the apparatus 40 at the grooves 54), a bumper (not specifically stated, but it is believed that the Office Action is citing the distal end of the apparatus 40), and a bumper retainer (the “outward projecting elements” defined by grooves 54). We respectfully disagree that all three of these structural features are disclosed by Letendre et al. For example, if the grooves 54 at the distal end of the apparatus 40 are interpreted to be the claimed inner shaft, the “outward projecting elements” would need to be interpreted as the bumper because they are the only structure at the distal end of the apparatus 40 that has an outer diameter greater than “inner shaft”. If the “outward projecting elements” are interpreted as the bumper, they cannot also be interpreted to be the bumper retainer. In other words, the “outward projecting elements” cannot simultaneously be two structures (e.g., both bumper and bumper retainer) of

the claimed invention. Indeed, no other reasonable interpretation of Letendre et al. appears to disclose at least these claim limitations.

Based on the above remarks, Applicants respectfully submit that Letendre et al. does not teach or suggest the claimed inner shaft, bumper, and bumper retainer. Krivoruchko et al. does not appear to overcome the shortcomings of the cited art. Consequently, Applicants respectfully submit that claims 40, 49, and 50 are patentable over the combination of Letendre et al. and Krivoruchko et al., to the extent that such a combination is even possible. Because claims 41-47 depend from claim 40, they are also patentable for the same reasons as claim 40 and because they add significant elements to distinguish them further from the art.

Conclusion

Further examination and withdrawal of the rejections is respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is also respectfully requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

RICHARD C. GUNDERSON et al.

By their Attorney,

Date: _____

August 6, 2010



Scott Wickhem, Reg. No. 41,376
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, Minnesota 55403-2420
Telephone: (612) 677-9050
Facsimile: (612) 359-9349